HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 7316 of 2007

PETITIONER		Kalindar Kumbhakar, aged about 40 years, Asstt. Teacher, s/o Shri Boglo Kumbhkar, Govt. Primary School, Gayvuda, Block Bagicha, Distt. Jashpur (C.G.)
		Versus
RESPONDENTS	**1**	State Govt. of Chhattisgarh, Through : Secretary, Tribal Welfare Department & Education Department, D.K.S. Bhawan, Raipur (C.G.).
	2	Assistant Commissioner, Jashpur, Distt. Jashpur (C.G).
	3.	Block Education Officer, Bagicha, Distt. Jashpur (C.G.).
	4.	Treasury, Accounts & Pension, Jashpur, Distt. Jashpur (C.G).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Somkant Verma & Shri Akshay Yadav, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State/respondents on advance copy.

ORAL ORDER
(10.12.2007)

SUNIL KUMAR SINHA, J

Heard on admission.

Learned counsel for the petitioner submits that the petitioner has passed D.Ed. examination on his own expenses, therefore, he is entitled to receive two advance increments according to circulars dated 24.12.1998 & 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}***. He submits that the case of the petitioner is squarely covered by the said judgment.

(18)

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioner had acquired D.Ed. Examination Certificate on his own expenses as per circulars dated 24.12.1998 & 01.03.1999 and further whether he has been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

Rao